

Message Text

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ACTION L-01

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REF: A) A-54 OF JUNE 14, 1974; B) A-68 OF JULY 12, 1974;

C) STATE 169750; D) QUITO 7922

THERE FOLLOWS AN UNOFFICIAL TRANSLATION OF THE PAID ANNOUNCEMENT FROM FORMER EMPLOYEES OF THE QUITO BI-NATIONAL CENTER NOTED IN REF D.

QUOTE: LEGAL SUIT OF ECUADOREAN WORKERS AGAINST THE AMBASSADOR OF THE UNITED STATES OF AMERICA

FOURTEEN EX-EMPLOYEES OF THE ECUADOREAN NORTH AMERICAN CENTER--CENA--PROFESSIONAL AND HIGH PRICED COMMERCIAL ESTABLISHMENT WITH LEGAL DOMICILE IN QUITO, LAY BEFORE THE PUBLIC THE FOLLOWING:

1. WE ARE SPECIALIZED TEACHERS AND ADMINISTRATIVE WORKERS, MANY AMONG US WITH MORE THAN TEN TO FIFTEEN YEARS OF SERVICE TO CENTER AND THE UNITED STATES EMBASSY;

2. IN THE MONTH OF DECEMBER OF THE YEAR 1973 THE CENTER WAS ILLEGALLY AND ARBITRARILY CLOSED, AND AS OUR LAWS ORDAIN, WE HAVE PROCEEDED TO ENTER A CLAIM BEFORE THE SUPREME COURT OF JUSTICE OF ECUADOR AGAINST, AMONG OTHERS,

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MR. ROBERT C. BREWSTER, PRESENT AMBASSADOR OF THE UNITED

STATES IN ECUADOR, FOUR DIPLOMATIC ATTACHES OF THE UNITED STATES EMBASSY AND THE OTHER MEMBERS OF THE BOARD OF DIRECTORS OF THE CENTER;

3. CONTRAVENING THE CONSTITUTIONAL MANDATE IN FORCE AND ARTICLES 148, 163, 164 OF THE POLITICAL CONSTITUTION, WHAT IS ORDERED BY ARTICLE 527 OF THE LABOR CODE, A MOST SPECIAL AND RUDIMENTARY STATUTE OF OUR PUBLIC LAW, AND ARTICLE 903 OF THE CODE OF CIVIL PROCEEDINGS, THE PRESIDENT OF THE SUPREME COURT OF JUSTICE, HAS INTERRUPTED THE NORMAL COURSE OF THE JUDICIAL PROCESS, THROUGH AN INTERLOCUTORY DECREE (OR PROVISIONAL JUDGMENT, TRANSLATING FROM "PROVIDENCIA") IN WHICH HE DECLARES HIS INABILITY ('INHIBICION') TO PROCEED FURTHER, FOR LACK OF JURISDICTION, IN TRYING AND CARRYING FORWARD OUR LABOR SUIT, WHICH IS WITHIN THE FRAMEWORK OF OUR LAWS AND PROTECTED BY THE RULE OF INTERNATIONAL LAW.-- THE ABOVE-MENTIONED DECREE STATES IN ITS PROVISIONS:.... SIXTH, CONSIDERING THE FOREGOING AND MINDFUL OF THE FACT THAT THE AMBASSADOR OF THE UNITED STATES OF AMERICA HAS NOT RENOUNCED HIS IMMUNITY IN THE TIME WHICH HAS TRANSPIRED SINCE THE DAY HE WAS INFORMED BY THE FOREIGN MINISTRY OF THE SUIT FILED BY THE PLAINTIFF, THE ONLY WAY IN WHICH THE SIGNER OF THIS DECREE CAN PROCEED IN THE CASE. AS A CONSEQUENCE, I DECLARE MY INABILITY TO PROCEED FURTHER WITH THE SUIT BEFORE ME BY REASON OF LACK OF JURISDICTION. IN ANY CASE, THE RIGHT IS RESERVED TO THE PLAINTIFF, UNDER PARAGRAPH FOUR OF ARTICLE 29 OF THE VIENNA CONVENTION AND ARTICLE 19 OF THE HAVANA CONVENTION, TO DIRECT HIS LEGAL ACTION TO THE AUTHORITIES OF THE UNITED STATES OF AMERICA.-- YOU ARE HEREBY NOTIFIED.--(SIGNED) C. JARAMILLA A.-- (DECREE CONTINUES):

4. NEITHER OF THE CONVENTIONS OR TREATIES REFERRED TO IN THIS DECREE ('PROVEIDA') HAS BEEN SIGNED AND RATIFIED BY ECUADOR AND BY THE U.S. A.

5. AMBASSADOR ROBERT C. BREWSTER, IN AN OLYMPIAN GESTURE, WHICH IN NO WAY HONORS THE DUTIES OF HIS HIGH OFFICE, WITHOUT EVEN HAVING INDICATED HIS LEGAL DOMICILE BEFORE OUR TRIBUNALS, HAS MAINTAINED THE MOST FORMIDABLE SILENCE, OR, AS WE SAY IN POPULAR TERMINOLOGY, HE HAS THROWN OUR COMPLAINT INTO THE WASTEPAPER BASKET, WITHOUT, AS WE HAVE DONE, LOOKING JUDICIALLY OR EXTRAJUDICIALLY FOR THE SOLUTION LIMITED OFFICIAL USE

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TO OUR PROBLEM AS UNPROTECTED ECUADOREAN WORKERS; NOR HAS HIS GOVERNMENT RENOUNCED DIPLOMATIC EXEMPTION, SINCE, DIPLOMATIC IMMUNITY IS NOT CONCEDED FOR THE PRIVILEGE OF INDIVIDUALS; GOOD RELATIONS BETWEEN STATES IS DUE TO THE "ETHNARCHI" (OF OR PERTAINING TO THE PEOPLE'S) PERSONALITY OF THE STATE, ESSENTIAL BASIS OF INTERNATIONAL LAW WHICH EXISTS SO AS NOT PREJUDICE CITIZENS OF ECUADOR; THE UNITED STATES GOVERNMENT IS OBLIGED TO GIVE UP ITS

DIPLOMATIC IMMUNITY IN THE CASE OF OUR CLEAR AND
EXPLICIT LABOR SUIT, PRECISELY DUE TO THE SPIRIT AND
PRECEPTS OF INTERNATIONAL LAW OR PERHAPS IT HAS NOT BEEN
DONE BY THE U.S. GOVERNMENT BECAUSE IT WAS NEVER PROPERLY
INFORMED OF OUR SUIT, NEITHER HAS OUR FOREIGN MINISTRY
PROCEEDED TO DECLARE AS PERSONA NON GRATA THE AMBASSADOR
AND HIS FOUR DIPLOMATIC COLLEAGUES, IN CONFORMITY WITH
INTERNATIONAL LAW, WHICH IS EXERCISED BY A SOVEREIGN
AND FREE NATION, THUS GUARANTEEING THE RIGHTS OF ITS
CITIZENS; INSTEAD, THE FOREGOING DECREE HAS CLEVERLY ELUDED
A CONFLICT, THUS PREJUDICING ECUADOREAN WORKERS.

NO POWER, NO FOREIGN INTEREST WHATEVER CAN BREAK OR
INJURE IN THE SLIGHTEST OUR NATIONAL INTEGRITY.

THE ADMINISTRATION OF JUSTICE CONSTITUTES FOR THE
MAGISTRATE NOT A RIGHT BUT TRUE DUTY AND IN OUR CASE IS A
DUTY TO SUPPORT THE EXERCISE OF OUR INDIVIDUAL RIGHTS
AND OUR OWN SOVEREIGNTY.

SIGNED BY THE DEFENSE ATTORNEY OF THE WORKERS, (SIGNED)
DR. JOSE ROMER CORDERO.
BREWSTER

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